ANALYSIS

This ordinance amends Title 22 – Planning and Zoning to authorize certain yard modifications in the Topanga Canyon Community Standards District ("CSD") and the Santa Monica Mountains North Area CSD pursuant to a Director's review consistent with the process utilized in other areas of the County. The ordinance also establishes development standards for fences, walls, and landscaping within those CSDs.

ANDREA SHERIDAN ORDIN
County Counsel

By: Elaine M Lemke

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:vn

9/15/09 (Requested)

5/5/10 (Revised)

HOA.643147.9

ORDINANCE NO. 2010-0022

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code relating to certain yard modifications with a Director's review and establishing development standards for fences, walls, and landscaping in the Topanga Canyon and Santa Monica Mountains North Area Community Standards Districts.

The Board of Supervisors of the County of Los Angeles ordains as follows:

Section 1. Section 22.44.119 is hereby amended to read as follows:

22.44.119 Topanga Canyon Community Standards District.

A. Intent and Purpose. The Topanga Canyon Community Standards District is established to implement certain policies related to ~~small lot~~antiquated subdivision development contained in the Malibu Local Coastal Program Land Use Plan. The district will establish development standards in hillside and other areas that lack adequate infrastructure or that are subject to the potential hazards of fire, flood, or geologic instability. Preservation of important ecological resources and scenic features will also be accomplished through the use of this district. The district also establishes development standards, including safety features for fences, walls, and landscaping located along roads within the district boundary.

. . .

D. Community-wide Development Standards.

1. Fences and walls. The construction and/or replacement of fences and walls exceeding three and one-half (3 1/2) feet in height which are located either within required front yards, or within required corner side or required rear yards where

closer than five (5) feet to any highway line is authorized subject to obtaining a Director's review approval pursuant to Section 22.48.180 and the general procedures of Part 12 of Section 22.56 and subject to the following standards.

a. Height. No fence or wall shall exceed six (6) feet in height, inclusive of any architectural feature, fixture, and/or support element attached to, or part of, the fence or wall.

b. Transparency. At least seventy (70) percent of the fence or wall area above three and one-half (3 1/2) feet in height shall be open and non-view obscuring. The open and non-view-obscuring area above said three and one-half (3 1/2) feet must be evenly distributed horizontally along the entire length of the fence or wall and comply with all of the following provisions:

i. No slats or other view-obscuring materials may be inserted into, placed in front of or behind, or affixed to such fences and walls;

ii. Vertical support elements shall be a minimum of five (5) feet apart; and

iii. Non-support vertical or horizontal fence elements shall have a maximum diameter of two (2) inches.

c. Materials. All portions of new or replacement yard fences and walls shall be constructed of stone, brick, rock, block, concrete, wood, stucco, tubular steel, wrought iron, or a combination of these materials. Either recycled or composite materials, each with the appearance and texture of wood, may also be used.

Chain link, wire, and highly reflective materials are prohibited. Fence and wall materials shall have at least one of the following features:

i. Non-combustible construction;

ii. Ignition resistant construction meeting the requirements of State Fire Marshall section 12-7A-4 parts A and B;

iii. Heavy timber construction; or

iv. Exterior fire-retardant treated wood construction.

d. Colors. Only earth tone or neutral colors that are similar to the surrounding landscape shall be used.

2. Landscaping. Trees, shrubs, vines, flowers, and other landscaping forming a barrier or obstructing views in the same manner as a fence or wall shall not exceed three and one-half (3 1/2) feet in height if located within ten (10) feet of any highway line.

3. Fences and walls located between five (5) feet from the highway line and the interior boundary of the required corner side yard or required rear yard, and retaining walls wherever located are subject to the provisions of Sections 22.48.160 and 22.48.180.

4. Modifications Authorized. Any modifications to the fence, wall, and landscaping standards contained in subsections D.1 and D.2 may be granted as part of the Director's review procedure identified in subsection D.1 and shall also include findings that the proposed modifications will not create a safety hazard and will not

impair views of scenic resources. In addition to the information required under Section 22.48.180, an application for a Director's review requesting a yard modification under this subsection shall contain the following information:

a. A scaled site plan showing the proposed landscaping, fence, or wall location, setbacks, and fence or wall height measurements;

b. A scaled elevation drawing of the proposed landscaping, fence, or wall showing measurements of all fence or wall elements, including fence or wall height, and all proposed materials and colors.

E. Zone-specific Development Standards (Reserved).

~~D~~F. Area-Specific Development Standards. The following provisions apply to all land within small lot subdivisions, as defined in this section:

. . .

5. Procedural Requirements.

. . .

b. Any modifications of development standards, except for fences, walls, and landscaping pursuant to subsections D.3 and D.4, shall be considered only through the variance procedures contained in Part 2, Chapter 22.56 of this code. The maximum allowable gross structural area as determined by the slope intensity formula shall not be subject to modification.

. . .

Section 2. Section 22.44.133 is hereby amended to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

. . .

F. Area-Specific Development Standards.

1. Antiquated Subdivision Area.

. . .

2. Topanga Canyon Area.

a. Intent and Purpose. The Topanga Canyon area is established to implement certain policies related to ~~small lot~~antiquated subdivision development contained in the Santa Monica Mountains North Area Plan. The area-specific development standards are intended to mitigate the impacts of development on small lots in hillside and other areas that lack adequate infrastructure or are subject to the potential hazards of fire, flood, or geologic instability, and to preserve important ecological resources and scenic features found in this area. The district also establishes development standards for fences, walls, and landscaping located along roads within the Topanga Canyon area and promotes alternative designs that include safety features.

. . .

d. Development Standards.

i. Fences and walls. The construction and/or replacement of fences and walls exceeding three and one-half (3 1/2) feet in height which are located either within required front yards, or within required corner side or required rear yards where closer than five (5) feet to any highway line is authorized subject to obtaining a Director's review approval pursuant to Section 22.48.180 and the general procedures of Part 12 of Section 22.56 and subject to the following standards:

(A) Height. No fence or wall shall exceed six (6) feet in height, inclusive of any architectural feature, fixture, and/or support element attached to or part of the fence or wall.

(B) Transparency.

(1) At least seventy (70) percent of the fence or wall area above three and one-half (3 1/2) feet in height shall be open and non-view obscuring. The open and non-view-obscuring area above said three and one-half (3 1/2) feet must be evenly distributed horizontally along the entire length of the fence or wall and comply with all of the following provisions:

(2) No slats or other view-obscuring materials may be inserted into, placed in front of or behind, or affixed to such fences and walls;

(3) Vertical support elements shall be a minimum of five (5) feet apart; and

(4) Non-support vertical or horizontal fence elements shall have a maximum diameter of two (2) inches.

(C) Materials. All portions of new or replacement yard fences and walls shall be constructed of stone, brick, rock, block, concrete, wood, stucco, tubular steel, wrought iron, or a combination of these materials. Either recycled or composite materials, each with the appearance and texture of wood, may also be used. Chain link, wire, and highly reflective materials are prohibited. Fence and wall materials shall have at least one of the following features:

(1) Non-combustible construction;

(2) Ignition resistant construction meeting the requirements of State Fire Marshall section 12-7A-4 parts A and B;

(3) Heavy timber construction; or

(4) Exterior fire-retardant treated wood construction.

(D) Colors. Only earth tone or neutral colors that are similar to the surrounding landscape shall be used.

ii. Landscaping. Trees, shrubs, vines, flowers, and other landscaping forming a barrier or obstructing views in the same manner as a fence or wall, shall not exceed three and one-half (3 1/2) feet in height if located within ten (10) feet of a highway line.

iii. Fences and walls located between five (5) feet from the highway line and the interior boundary of the required corner side yard or required rear yard, and retaining walls wherever located are subject to the provisions of Sections 22.48.160 and 22.48.180.

iv. Modifications Authorized. Any modifications to the fence, wall, and landscaping standards contained in subsections F.2.d.i and d.ii may be granted as part of the Director's review procedure identified in subsection F.2.d.i and shall also include findings that the proposed modifications will not create a safety hazard and will not impair views of scenic resources. In addition to the information required under Section 22.48.180, an application for a Director's review requesting a yard modification under this subsection shall contain the following information:

(A) A scaled site plan showing the proposed landscaping, fence or wall location, setbacks, and fence or wall height measurements;

(B) A scaled elevation drawing of the proposed landscaping, fence or wall showing measurements of all fence or wall elements, including fence or wall height, and all proposed materials and colors.

~~d~~v. ~~Development~~Additional Standards. The construction of residential units on a lot or parcel of land of less than one (1) acre within a small lot subdivision shall be subject to the following development standards:

~~i.~~(A) For the construction of residential units on a lot or parcel of land of five thousand (5,000) square feet or more, the maximum gross

structural area shall be equal to twenty (20) percent of the area of the lot or parcel. Construction of residential units on a lot or parcel of land of less than five thousand (5,000) square feet shall be subject to the following slope intensity formula:

(A1) The maximum allowable gross structural area of a residential unit to be constructed on a building site shall be determined by the following formula:

$$GSA = (A/5) \times [(50-S)/35] + 500$$

Where:

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

Where:

S = average natural slope in percent.

I = contour interval in feet, at not greater than twenty-five (25)-foot intervals, resulting in at least five (5) contour lines.

L = total accumulated length of all contour lines of interval "I" in feet.

A = the area of the building site in square feet.

(~~B~~2) All slope calculations shall be based on natural, not graded conditions. Maps of a scale generally not less than one (1) inch equals ten (10) feet (1'=10"), showing the building site and existing slopes, prepared by a licensed surveyor or registered professional civil engineer, shall be submitted with the application. If slope is greater than fifty (50) percent, enter fifty (50) for S in the GSA formula.

(~~C~~3) The maximum allowable GSA as calculated above may be increased as follows:

(~~1~~a) Add five hundred (500) square feet or twelve and one-half (12.5) percent of the total lot area, whichever is less, for each lot which is contiguous to the designated building site, provided that such lot(s) is (are) combined with the building site, and all potential for residential development on such lot(s) is permanently extinguished.

(~~2~~b) Add three hundred (300) square feet or seven and one-half (7.5) percent of the total lot area, whichever is less, for each lot in the vicinity of (e.g., in the same small lot subdivision) but not contiguous with the designated building site, provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

(~~D~~4) The floor area requirement for single-family residences contained in Section 22.20.105 shall not apply.

(~~E~~5) All residences approved in small lot subdivisions by the slope intensity formula shall be subject to an improvement condition requiring that any future additions or improvements to the property shall be subject to an additional review by the director.

~~ii.~~(B) The provisions of Sections 22.48.060, 22.48.080, and 22.48.140 shall not apply.

~~iii~~(C) Procedural Requirements.

(~~A~~1) Any building or grading permit shall be subject to the ~~d~~Director's review procedure contained in Part 12 of Chapter 22.56, except that the ~~d~~Director shall not consider requests for modification.

(~~B~~2) Any modifications of development standards, except for fences, walls, and landscaping pursuant to subsections F.2.d.iii and F.2.d.iv, shall be considered only through the variance procedures contained in Part 2 of Chapter 22.56.

. . .

[2244119ELCC]

SECTION 3. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of May 18, 2010 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Mark Ridley-Thomas	Supervisors	None
	Zev Yaroslavsky		
	Don Knabe		
	Michael D. Antonovich		
	Gloria Molina		

Effective Date: June 17, 2010

~~Operative Date:~~

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

S:\Ordinances\County Counsel\2010\2010-0022